

## **Abstract**

### **Protective therapy and preventive detention**

The Diploma thesis is concerned with two types of protective measures one being protective therapy and the other being preventive detention. The objective of this paper is to examine in a comprehensive manner the current law that concerns these two institutes of criminal law and to determine their faults and to include a supplemental recommendation.

The paper also included a general overview of the protective measures according to the legal order of the Czech Republic. There are a compare and contrast of the penalties and interpretation of the legal terms as well as what both protective therapy and preventive detention have in common. Also, listed legislation for both institutes of preventive detention and protective therapy will be individually defined and under which conditions they are imposed. There is also stated the forms of the measures and their duration. The detention facilities in Brno and Opava are described as being a part of preventive detention. Legislation for the institute Terbeschikkingstelling (TBS) and forensic hospitals and how it deals with patients in the Netherlands also is mentioned. Decisions made on extension therapy and duties of the hospital staff related thereto are described within protective treatment. Generally, individual types of protective treatment are introduced.

The most voluminous section of the paper is dedicated to protective sexology treatment. The author deeply analyzes this kind of treatment, focusing on problematic issues, presents personal opinions and attitudes to modify the existing law and introducing normative law proposals. The exercise of protection treating of sexual deviants is described in detail. The author has personally visited the sexology department at the Psychiatric Hospital in Havlickuv Brod and has obtained a vast amount of professional information from the staff which is incorporated within the paper. For the purpose of this thesis, a questionnaire was drawn up, and it summarized the opinions and personal experiences of patients. The reader has the opportunity to become familiar with various forms of therapy. The most widely used form of treatment is the so-called preview therapy which allows patients to understand their sexuality and

realize it under the law. This psychological therapy is completed with downturn medications. Upon request of the patient castration can be a final solution. Particular modes and degrees of this kind of treatment are also explained in the paper.

There is also included within the paper the various rules on the administration of protective treatment in combination with imprisonment. There are reflections on the order of execution of the imposed punishment and protective measures when treatment already started in prison and the best way to implement the execution of punishment and protective measures. However, nowadays, in the Czech Republic the protective treatment may be administered only in Kurim which is a high security prison. The author presents views on alternative treatment options in prison with minimum, medium, and maximum security. There is also expressed an opinion on the planned amendment of the Criminal Code relating to the reduction of the kinds of prisons from four to two types.

The paper also includes the issue of sentencing juvenile deviants. The author deals with problematic issues and criticized the lack of facilities where juveniles could be administered treatment during imprisonment.

This diploma thesis reflects law valid and in effect as of November 29, 2015.